

REMARKS

Claims 101-104 and 106-125 remain in the application for further prosecution. Claims 102, 112, 119-122 and 125 have been amended. Claim 105 has been canceled without prejudice.

Rejection – 35 U.S.C. § 112

Claim 105 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim 105 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled claim 105 and therefore respectfully submits the remaining claims are consistent with the specification.

Claims 102-125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and specifically not specifying whether the predetermined distance and or predetermined time is used in conjunction with the presence of a passerby. Applicant has amended these claims to require that the bystander is detected for at least one of a predetermined distance or predetermined time period. Applicant respectfully submits that these claims overcome the rejections based on 35 U.S.C. 112.

Rejection – 35 U.S.C. § 103

Claims 101-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,908,387 (“Hedrick”) in view of U.S. Patent No. 6,536,658 (“Rantze”).

Hedrick discloses a player tracking unit that may be attached to a gaming display. The player tracking unit may include a wireless interface device to allow player tracking information to be downloaded from a portable wireless device as an alternative to requiring a player to swipe a player ID card to obtain such information. Thus, Hedrick is directed toward obtaining information specific to a player for gaming operations. The Office Action has conceded that Hedrick does not disclose an attract mode occurring in response to detecting a portable data unit carried by a user within a first predetermined distance or time. (p. 4). The Office Action also concedes that Hedrick does not disclose changing the mode of the machine on detecting the portable data unit within a second predetermined distance or time. (p. 4).

The Final Office Action has asserted that operating a device in different modes is well known in the art by citing Rantze. Rantze relates to a sales kiosk that uses a proximity sensor to sense the distance of a person to the kiosk. (Abstract). However, Rantze is a retail system and does not fall in the wagering game arts as Hedrick or the present claims. Further, Rantze discloses an imprecise detection mechanism that is incapable of identifying a person with certainty let alone the identity of such a person. Rantze functions by transmitting waveforms of different frequencies that reflect from objects around the kiosk (assumed to be people). (Col. 10, l. 36 to Col. 11, l. 48, Fig. 3). The returned waveforms are received by a detector and compared with a series of threshold amplitudes to determine the distance of an object. (Col. 11, ll. 28-42). Since Rantze relies only on returned waveforms, it cannot guarantee that the detected object is a person. The object may be inanimate such as another sales kiosk or in the case of a casino, a gaming machine. More importantly, Rantze's method cannot determine the identity of a person

and therefore adjust the mode of the kiosk in a manner associated with the person according to information transmitted from the object.

Applicant respectfully submits that one of ordinary skill in the art would not combine Rantze with Hedrick. As explained above, Hedrick discloses the use of a wireless identification device that substitutes for a player ID card for the purpose of sending player tracking information to the player tracking unit. There is no suggestion or motivation in Hedrick relating to the distance of a passerby with regard to gaming machine function. The present claims relate to a totally wireless solution that solves the problem of players being annoyed by having to insert their ID cards to activate player specific features on a machine. By a two way wireless communication link that also triggers different modes depending on the detection of the holder of the wireless personal data unit, the machine operation may be tailored to a specific player. In contrast, Rantze relies on motion detection via reflected waves which is not communication and is essentially one way. Rantze cannot even insure that a person is in proximity from the kiosk.

The combination of Hedrick and Rantze would not be contemplated by one of ordinary skill in the art. As noted above, the communication in Hedrick includes an exchange of information and thus, one of ordinary skill would not look to passive systems that do not exchange information such as Rantze which relies on essentially a passive, motion detection system. A second reason why one of ordinary skill would not combine Rantze with Hedrick is the difference between simple retail sales environment with isolated kiosks as in Rantze and the gaming machine environment. The motion detection methods of Rantze would not function in a gaming machine environment which has numerous machines all in close proximity with each other as opposed to the kiosk which is standalone in a retail environment. The dense placement

of other large inanimate objects (gaming machines) in fixed proximity to the kiosk would make the proximity detection in Rantze unworkable. Also, there are multiple people in the area of a gaming machine in a casino. The use of Rantze's detector in such an environment would cause the possibility of confusion as to which objects are actually detected and used to change the operating mode of the machine.

Finally, one of ordinary skill would not combine different detection schemes together as the capabilities for each are not compatible. As explained above, a simple proximity system would not be sufficient to accomplish the purpose of Hedrick, namely obtaining information from a communication from a customer. There would be no motivation to apply the feature of proximity detection in Rantze to Hedrick.

Even if one were to allow the combination of Hedrick and Rantze, such a combination would not anticipate the element of modifying the operation of the machine associated with the passerby. The proximity sensing of Rantze would only supply the distance of certain objects. Hedrick's wireless communication would not have any correlation with such a distance. The combination would not teach associating the operation with the passerby.

Conclusion

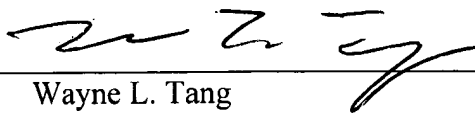
It is the Applicant's belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the number shown.

Application No. 10/630,141
Response to Final Office Action Dated April 14, 2008

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Wayne L. Tang', is written over a horizontal line.

Wayne L. Tang
Reg. No. 36,028
NIXON PEABODY LLP
161 N. Clark Street, 48th Floor
Chicago, Illinois 60601-3213
(312) 425-3900 (telephone)
(312) 425-3909 (telecopy)

ATTORNEYS FOR APPLICANT